



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1790 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code, Title 9 – Public Peace, Morals, and Welfare – Chapter 9.08, 'Offenses Against Property,' by Repealing and Reenacting Section 9.08.080, 'Definitions,' Adding Section 9.08.115, 'Loitering in Certain Public Places Prohibited,' and Deleting Section 9.08.160, 'Violation – Infraction'"

MEETING DATE: January 17, 2007

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1790.

BACKGROUND INFORMATION: Ordinance No. 1790 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code, Title 9 – Public Peace, Morals, and Welfare – Chapter 9.08, 'Offenses Against Property,' by Repealing and Reenacting Section 9.08.080, 'Definitions,' Adding Section 9.08.115, 'Loitering in Certain Public Places Prohibited,' and Deleting Section 9.08.160, 'Violation – Infraction'" was introduced at the regular City Council meeting of January 3, 2007.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

A handwritten signature in black ink, appearing to be "Randi Johl".

Randi Johl
City Clerk

RJ/jmp

Attachment

APPROVED:

A handwritten signature in black ink, appearing to be "Blair King".

Blair King, City Manager

ORDINANCE NO. 1790

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING LODI MUNICIPAL CODE, TITLE 9 – PUBLIC PEACE,
MORALS, AND WELFARE – CHAPTER 9.08, “OFFENSES AGAINST
PROPERTY,” BY REPEALING AND REENACTING SECTION
9.08.080, “DEFINITIONS,” ADDING SECTION 9.08.115, “LOITERING
IN CERTAIN PUBLIC PLACES PROHIBITED,” AND DELETING
SECTION 9.08.160, “VIOLATION – INFRACTION”

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 9 – Public Peace, Morals, and Welfare – Chapter 9.08, “Offenses Against Property,” Section 9.08.080 is hereby repealed and reenacted to read as follows:

- A. “Posted property” means any property specified in Section 9.08.090, which is posted in the manner provided in Section 9.08.100.
- B. “Sign” means a board, placard, or card not less than seventeen inches by twenty-two inches in size with lettering not less than one inch in height, which appear the words, “Stopping, Standing, or Parking Vehicles Prohibited by Law. Vehicles Will be Removed at Owner’s Expense. LPD Phone (209) 333-6727,” as to stopping, standing, or parking, or upon which appear the words, “Trespassing-Loitering Forbidden by Law,” and any time limit that may be specified thereon as to trespassing-loitering.
- C. “Community center” means any building or structure, or portion thereof, operated by or under the jurisdiction of the City of Lodi or City of Lodi Parks and Recreation Department and used for a planned recreation program.
- D. “Recreation facility” means any building or structure, or portion thereof, operated by or under the jurisdiction of the City of Lodi or the City of Lodi Parks and Recreation Department and used for recreation purposes.
- E. “School property” means any building, structure, or property, or portion thereof, operated by or under the jurisdiction of the Lodi Unified School District and used for education or recreation purposes.

SECTION 2. Lodi Municipal Code Title 9 – Public Peace, Morals, and Welfare – Chapter 9.08, “Offenses Against Property,” is hereby amended by adding Section 9.09.115, “Loitering in Certain Public Places Prohibited,” to read as follows:

Section 9.08.115, “Loitering in Certain Public Places Prohibited”

It is unlawful for any person to willfully enter, remain, or loiter in or about any community center, recreation facility, or school property operated by or under the jurisdiction of the City of Lodi, the Lodi Parks and Recreation Department, or the Lodi Unified School District that has been posted in accordance with this Article, when said property or any section or part thereof has been declared closed, whether temporary or

at stated intervals, and whether entirely or merely as to certain uses by an authorized employee or representative of said city, department, or school district, as applicable, except when said person is given permission to do so by an authorized employee or representative of said city, department, or school district, while said person is using the facilities of, or is participating in, a planned program at any such community center, recreation facility, or school property.

SECTION 3. Lodi Municipal Code Title 9 – Public Peace, Morals, and Welfare – Chapter 9.08, “Offenses Against Property,” Section 9.08.160, “Violation – Infraction,” is hereby repealed in its entirety.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 6. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 7. This ordinance shall be published one time in the “Lodi News-Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect 30 days from and after its passage and approval.

Approved this 17th day of January, 2007



BOB JOHNSON

Mayor

Attest:



RANDI JOHL
City Clerk

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State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1790 was introduced at a regular meeting of the City Council of the City of Lodi held January 3, 2007, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held January 17, 2007, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Katzakian, and Mayor Johnson
NOES: COUNCIL MEMBERS – None
ABSENT: COUNCIL MEMBERS – Hansen and Mounce
ABSTAIN: COUNCIL MEMBERS – None


I further certify that Ordinance No. 1790 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney

By 
Janice D. Magdich
Deputy City Attorney